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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,482	11/12/1999	PETER BERNARD		1692

7590 07/20/2004

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EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 07/20/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/439,482

**Applicant(s)**

BERNARD ET AL.

**Examiner**

Daniel J Chung

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

Claims 1-32 are presented for examination. This office action is in response to the amendment filed on 2-20-2004.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Murashita et al (6,504,950).

Regarding claim 1, Murashita et al discloses that the claimed feature of a system for providing images to a user comprising: in response to a user request to provide one of more images [i.e. "client sends calibration data transfer request to server"; S71], determine available user color display device characterization data [i.e. "calculating display calibration information"]; and cause one of more images having color characteristics [i.e. "color calibration data", "color profiling data"] appropriate to the user color display device characterization data so

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determined to be sent to user [i.e. "server sends calibration data to client"; S72, S91, S101] (See Abstract, See Fig 33-34, Fig 36, Fig 38-39, Fig 41-44, col 30 line 17-col 34 line 10)

Regarding claims 2-3, Murahita et al discloses that displaying to the user a first icon/second icon [i.e. by "notification of calibration", "notification unit"] on the display device. (See Abstract, See Fig 33-34, Fig 36, Fig 38-39, Fig 41-44) where it is an notoriously well known in the art that using the icons/flags to represent the availability of specific data in order to improve user's responsiveness.

Regarding claims 4-5, Murahita et al discloses that color correction ["color matching", "color calibration"] of the one or more images is on-the-fly, and color correction of images is by selection of a group of one or more images from one or more groups of pre-transformed images. (See Abstract, See Fig 33-34, Fig 36, Fig 38-39, Fig 41-44)

Regarding claims 6-7, Murahita et al discloses that color correction of the one or more images in accordance with the display device characterization data of the user and a predetermined set of display device color characterization parameters. [i.e. "color matching", "color calibration"] (See Abstract, See Fig 33-34, Fig 36, Fig 38-39, Fig 41-44)

Regarding claim 8, Murahita et al discloses that the user is a person or the user ["user operation"] is a client computer ["client"; 106] connected to a computer network ["network"; 104] including an Internet, an intranet, or a local area network. (See Fig 33-34, Fig 36, Fig 38-39, Fig 41-44)

Regarding claim 9, Murahita et al discloses that the user is a client computer ["client"; 106] connected to a computer network ["network"; 104]; and the method further comprises receiving the user request at a server computer ["server"; 102] connected to the computer network. [i.e. "client sends calibration data transfer request to server"; S71] (See S71 in Fig 30, Fig 33-34, S83 in Fig 35, Fig 38-45)

Regarding claim 10, Murahita et al discloses that providing information [i.e. "user responds"] from the client to the server to determine user color display device characterization data. (See S82-S83 in Fig 35, S92 in Fig 40)

Regarding claims 11-13, Murahita et al discloses that the information provided from the client to the server is a cookie [i.e. "client sends calibration data transfer request to server"; S71], which the cookie contains information to enable the server to identify the user and the user color display device characterization data. (See Fig 33-36, Fig 38-43, Fig 45, Fig 48), where it is an notoriously well known in the art that color information can be generated and

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stored in a cookie for transmission and storage on client, or elsewhere in Network.

Regarding claim 14, Murahita et al discloses that retrieving from a database [i.e. "calibration data holding unit", ] the user color display device characterization data in accordance with the user identification ["user response", "by user operation"; i.e. "control button settings". (See Fig 33-36, Fig 38-43, Fig 45, Fig 48)

Regarding claims 15-32, claims 15-32 are similar in scope to the claims 1-14, and thus the rejections to claims 1-14 hereinabove are also applicable to claims 15-32.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

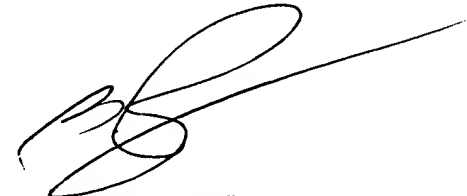
Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
June 28, 2004

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long horizontal line extending to the right.

**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**